

**REMARKS**

Claims 1-102 are pending original claims in this application. Of these claims, claims 1, 12, 17, 27, 37, 41, 42, 59, 85, 91 and 95 are independent claims. Claims 1-11 and 59-74 are rejected under 35 U.S.C. § 101 because they are drawn to non-statutory subject matter. Claims 1-102 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-86 of co-pending Application No. 10/012586. The claims as amended are believed to overcome the rejection under 35 U.S.C. § 101.

**Regarding the rejection of claims 1-11 and 59-74 under 35 U.S.C. 101**

Claims 1-11 and 59-74 are rejected under 35 U.S.C. § 101 because they are drawn to non-statutory subject matter. In response, claims 1 and 59 have been amended to recite a "retainer adapted to being attached to an annulus". (emphasis added.) Claims 1 and 59 as amended do not include part of a human within their scope. Removal of the rejection under 35 U.S.C. § 101 is respectfully requested.

**Regarding the provisional rejection of claims 1-102 under the judicially created doctrine of obviousness-type double patenting**

Claims 1-102 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-86 of co-pending Application No. 10/012,586.

The Applicant wishes to place this rejection in abeyance until the claims are otherwise allowable.

Removal of the rejections under 35 U.S.C. § 101 and acceptance of Claims 1-102 is respectfully requested.

**Information Disclosure Statement**

An Information Disclosure Statement (IDS) is being filed concurrently herewith. Entry of the IDS is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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